

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 223
CASE No. 77-39
June 8, 1978

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on March 27, 1978, to consider an amendment to the D.C. Zoning Map. This application for a map change was initiated by the D.C. Department of Housing and Community Development.

FINDINGS OF FACT

1. The application requests a change of zoning from C-2-A and R-4 to C-2-B or, in the alternative, R-5-C for Lots 23, 26 through 38, 41 through 54, 62, 63, 811, 814, 825, 831, 833, 834 and a public alley to be closed in Square 2855. The site is located at 1341 through 1359 Girard Street, 1344 through 1376 Harvard Street, and 2801 through 2827 - 14th Street, N.W., and comprises approximately 94,540 square feet. The property includes the entire 14th Street frontage of the square between Harvard and Girard Streets, extending to a depth of approximately 325 feet from 14th Street.
2. The existing C-2-A zoning permits a medium density community business center with a floor area ratio of 2.0 and a sixty foot maximum height limit. Residential uses are limited to an FAR of 1.8 and a sixty per cent maximum lot occupancy. The existing R-4 zoning permits row dwellings, flats, semi-detached and detached dwellings with a minimum lot area of 1800 square feet and a minimum lot width of eighteen feet for row houses, a maximum lot occupancy of sixty per cent, and a maximum height of three stories and forty feet. The R-4 District also permits the conversion of existing buildings to apartments with a minimum lot area of 900 square feet per dwelling unit.
3. The proposed C-2-B zoning permits a medium and high density community business center with an FAR of 3.5, a ninety foot maximum height limit, and commercial uses restricted to the first two floors with the third floor and floors above restricted to residential use. The proposed alternative R-5-C zoning permits all kinds of residential uses including apartments, flats, row dwellings, semi-detached and detached dwellings with a maximum lot occupancy of seventy-five per cent, a maximum FAR of 3.5, and a maximum height limit of ninety feet.

4. The applicant requests a change of zoning to permit the construction of a ten story, 175 unit apartment building to be used as a low and moderate income housing development for the elderly.
5. The site is partly unimproved land and partly improved land with unoccupied and boarded houses.
6. In Zoning Commission Case No. 75-9, various properties in this area were rezoned to conform to the 14th Street Urban Renewal Plan. Properties in Square 2760 along 14th Street, N.W. and Columbia Road were rezoned from C-2-A and R-5-B to C-2-B. In Square 2849 along 13th Street, N.W. and Columbia Road along various properties were rezoned from R-4 and C-3-A to R-5-C. In Square 2854 13th and Harvard Streets, N.W., various properties were rezoned from R-4 and C-2-A to R-5-C. In Square 2668 along 14th Street, N.W. and Harvard Street various properties were rezoned from C-2-A to C-2-B.
7. The subject site is parcel No. 9 of the 14th Street Urban Renewal Area. The Urban Renewal Plan designates this site for medium high density residential development with a maximum density of 120 dwelling units per acre, a maximum FAR of 2.5, a maximum lot occupancy of sixty-five per cent, a maximum height limit of ninety feet and a requirement for one off-street parking space for every three dwelling units. The plan would permit ground floor retail and personal service establishments.
8. The 14th Street and Park Road vicinity is designated in the plan as a Major Community Service Center. This center is intended to become a commercial focal point of activities for the area and is intended to provide for the commercial and public service needs for the entire community. Fourteenth Street also is designated a "Special Community Street" whereby a pedestrian oriented environment is to be created.
9. The urban renewal plan development controls will govern development on this site as well as the Zoning Regulations. Where the urban renewal plan requirements are more restrictive than zoning, the plan requirements will control development of this disposition lot.

10. The requirements of the C-2-B District more closely fit the controls of the Urban Renewal Plan than any other zone district. The C-2-B District is more in conformance with the plan than the R-5-C District because it allows for the ground floor retail uses permitted by the plan.
11. The building as presently proposed for the site could be built under either the R-5-C or C-2-B Districts, since it is presently proposed not to include any commercial uses in the building.
12. Rezoning of the full depth of this parcel to C-2-B is thus not necessary to implement the Urban Renewal Plan and allow for the construction of the proposed project. The Commission finds that rezoning of the full depth of the parcel to C-2-B is contrary to the public interest in that it would allow in the future for **retail** commercial uses to be constructed fronting on Harvard and Girard Streets. Retail uses have been traditionally located along the 14th Street strip, and not along the east-west cross streets. The Renewal Plan emphasizes that distinction by designating 14th Street as a Special Community Street. The Commission finds that retail uses should continue to be limited to the 14th Street side of this property.
13. The Municipal Planning Office, by memorandum dated March 24, 1978, and by testimony at the hearing, recommended that the application be granted, on the grounds that the proposed development of subsidized housing for the elderly will provide a significant addition to the city's supply of affordable housing for elderly and handicapped persons, and that the project will continue the **revitalization** of the 14th Street corridor in accordance with the urban renewal plan and will make a substantial contribution toward improving the character and attractiveness of the neighborhood. The Commission so finds.
14. The Public School System, by memorandum dated January 10, 1978, **reported** that there would be no impact on public school facilities if this project were implemented. The Commission so finds.
15. The Fire Department, by memorandum dated December 28, 1977, reported that the proposed development would not create adverse conditions affecting the operations of the Department. The Commission so finds.

16. The D.C. Department of Transportation, by testimony presented at the hearing, supported the proposal and reported that the impact from the development on traffic services in the area would be very minimal. The Commission so finds.
17. The D.C. Department of Environmental Services, by memorandum dated March 13, 1978, reported that no adverse impact from the project was anticipated on soil erosion and sediment control, air quality and noise, or refuse collection and disposal. There are adequate water services available to the site. DES did indicate, however, that the sewer services in the area by present standards, do not have hydraulic capacity to adequately protect properties served by them. The Department recommended that appropriate on-site storm water management techniques be utilized to control the flow of runoff into the combined sewers. Such controls can be applied to the project through the urban renewal process.
18. Witnesses representing the 14th Street Project Area Committee, by testimony presented at the hearing, supported the proposal.
19. Advisory Neighborhood Commission 1B did not comment on this application.
20. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act, and the National Capital Planning Commission reported that the proposed amendment would not have a negative impact on the Federal Establishment or other Federal interest in the National Capital, is not inconsistent with the Comprehensive Plan for the National Capital and conforms to the 14th Street Urban Renewal Plan.

CONCLUSIONS OF LAW

1. This action is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. The rezoning will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

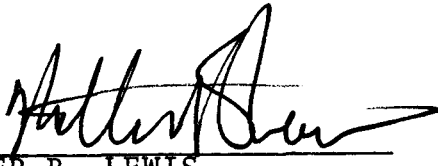
3. A change of zoning to C-2-B for the entire site would result in an unnecessary intrusion of commercial zoning into a non-commercial area.
4. A change of zoning to R-5-C for the entire site would be inconsistent with the plan by not allowing retail uses along 14th Street.
5. Split zoning of the site, with C-2-B along 14th Street and R-5-C behind that, would allow the most appropriate control of the site consistent with the Urban Renewal Plan.
6. There are adequate public facilities to serve the development under the proposed zoning.
7. The proposed zoning of C-2-B and R-5-C is consistent with the 14th Street Urban Renewal Plan.

DECISION

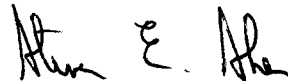
In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders approval of the following actions:

1. Change from C-2-A and R-4 to C-2-B (3.5 FAR) that portion of the site bounded on the west by 14th Street, on the north by Harvard Street, on the south by Girard Street and on the east by a line beginning at a point on Girard Street a distance of 173 feet east of the right-of-way of 14th Street and extending north perpendicular to Girard Street to Harvard Street.
2. Change from R-4 to R-5-C that portion of the site not changed to C-2-B above, bounded on the north by Harvard Street, on the south by Girard Street, on the east by the eastern lot lines of Lots 814 and 825 and the center-line of the public alley and on the west by a line beginning at a point on Girard Street a distance of 173 feet east of the right-of-way of 14th Street and extending north perpendicular to Girard Street to Harvard Street.

Vote of the Commission taken at the public meeting of May 11, 1978: 3-0 (George M. White, John G. Parsons and Walter B. Lewis, to approve-Ruby B. McZier, not voting, not having participated in the case and Theodore F. Mariani, not present not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on June 8, 1978 by a vote of 4-0 (George M. White, John G. Parsons and Walter B. Lewis to adopt, Theodore F. Mariani to adopt by proxy, Ruby B. McZier not voting, not having participated in the case).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 14 JUN 1978.